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**\*\*E-filed 10/21/05\*\***

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00389 JF
	)	
Plaintiff,	)	STIPULATION REGARDING
	)	CONTINUANCE OF STATUS
v.	)	CONFERENCE AND EXCLUDABLE
	)	TIME AND ORDER
GILBERT GONCALVES,	)	
	)	
Defendant.	)	

It is hereby stipulated and agreed between defendant Gilbert Goncalves, through his counsel H. Dean Steward, and the United States that this matter be continued to Friday, September 22, 2006, at 9:00 a.m. for trial, that the status conference be continued until Friday, September 8, 2006, at 10:00 a.m., and that time be excluded through and including September 22, 2006, under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., for the reasons set forth below:

1. The government has recently turned over to defendant more than 2,000 pages of discovery as well as more than 30 tapes containing recorded conversations involving defendant.

The defense therefore needs additional time to review the supplemental discovery.

2. Additionally, defense counsel has been, and is currently, in trial in federal court in Santa

STIPULATION REGARDING CONTINUANCE OF STATUS CONFERENCE AND EXCLUDABLE TIME AND  
[PROPOSED] ORDER  
CR 05-00389-JF

1 Ana, California, and is scheduled to begin a nine-month death penalty trial in January, 2006, also  
2 in federal court in Santa Ana. Both cases have and will take up most of defense counsel's  
3 available time until December 2, 2005. As a result, the defense requests this continuance so that  
4 defense counsel has enough time to prepare for this case in light of both the supplemental  
5 discovery and other federal trial commitments and allow sufficient time to consult with his client  
6 to afford both adequate time for preparation for trial.

7 Based on the foregoing, the parties therefore stipulate and move the Court to continue the  
8 status conference from November 18, 2005, at 11:00 a.m. until September 8, 2006, at 11:00 a.m.  
9 and the trial from December 2, 2005, until and through September 22, 2006. The parties further  
10 stipulate to exclude the time from December 2, 2005, through and including September 22, 2006  
11 under the Speedy Trial Act because the parties believe that the ends of justice served by the  
12 granting of such a continuance outweigh the best interests of the public and the defendant in a  
13 speedy trial, particularly since reasonable time is needed for the defense to prepare for pretrial  
14 and trial matters and for continuity of counsel, pursuant to 18 U.S.C. §§ 3161(h)(8)(A),  
15 3161(h)(8)(B)(iv).

16 The parties request that the status conference be continued from November 18, 2005 to  
17 September 8, 2005 at 9:00 a.m. before the Honorable Jeremy Fogel, or the next available date  
18 and that trial be continued from December 2, 2006, until September 22, 2006, at 9:00 a.m.  
19 So stipulated.

20 Dated: October \_\_, 2005

KEVIN V. RYAN  
United States Attorney

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23 RICHARD J. CUTLER  
Assistant United States Attorney

24 Dated: October \_\_, 2005

25  
26 H. DEAN STEWARD  
Attorney for Defendant Goncalves

**ORDER**

Based upon the foregoing Stipulation and good cause appearing therefor,

**IT IS HEREBY ORDERED** that the status conference set for November 18, 2005 is continued to September 8, 2006 at 10:00 a.m. and the trial set for December 2, 2005, is continued until September 22, 2006. Additionally, the time between December 2, 2005 and September 22, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation and for continuity of counsel. The Court independently finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: October 21, 2005

/s/electronic signature authorized

JEREMY FOGEL  
United States District Judge

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